

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Izhak Baharav et al.

Confirmation No.: 8820

Application No.: 10/692,610

Examiner: Hess, Daniel A

Filing Date: Oct. 24, 2003

Group Art Unit: 2876

Title: A METHOD AND APPATUS FOR GENERATING AND DECODING A VISUALLY
SIGNIFICANT BARCODE

Mail Stop AF
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- (X) Response/Amendment () Petition to extend time to respond
(X) New fee as calculated below () Supplemental Declaration
() No additional fee
(X) Other: Request to Withdraw Finality of Rejection (fee \$)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS	21	MINUS	20	= 1	X \$50	\$ 50
INDEP. CLAIMS	2	MINUS	3	= 0	X \$200	\$ 0
[] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$360	\$ 0
EXTENSION FEE	1ST MONTH \$120.00	2ND MONTH \$450.00	3RD MONTH \$1020.00	4TH MONTH \$1590.00		\$ 0
OTHER FEES						\$
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$ 50

Charge \$ 50 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

Respectfully submitted,

Izhak Baharav et al.

By

Edouard Garcia

Attorney/Agent for Applicant(s)

Reg. No. 38,461

Date: Jan. 14, 2005

Date of Deposit: Jan. 14, 2005

Typed Name: Edouard Garcia

Signature:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Doron Shaked et al. Art Unit : 2876
Serial No. : 10/692,610 Examiner : Hess, Daniel A.
Filed : October 24, 2003
Title : A METHOD AND APPATUS FOR GENERATING AND DECODING A
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Commissioner for Patents
P.O. Box 1450
Washington, D.C. 20231

REQUEST FOR RECONSIDERATION AND WITHDRAWAL OF EXAMINER'S
PREMATURE FINAL REJECTION

Applicant requests that the Primary Examiner review the Examiner's final action dated October 19, 2004, and withdraw the finality of the action for the reasons explained below.

As explained in MPEP § 706.07(a):

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

In the Office action dated October 19, 2004, the Examiner has asserted that (original emphasis):

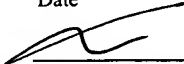
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commission for Patents, PO Box 1450, Alexandria, VA 22313-1450 on:

January 14, 2005

Date


(Signature of person mailing papers)

Edouard Garcia

(Typed or printed name of person mailing papers)

Contrary to the Examiner's assertion, however, the Examiner has introduced a new ground of rejection that was not necessitated by applicant's amendment of the claims. In particular, in the Examiner's action dated April 21, 2004, the Examiner's only rejection of independent claim 20 and 21, which depends from claim 20, was under 35 U.S.C. § 102(b) over Cass (U.S. 5,946,414). In the Response dated July 12, 2004, applicant did not amend claims 20 and 21. In the subsequent Office action dated October 19, 2004, the Examiner's only rejection of claims 20 and claim 21 was under 35 U.S.C. § 102(b) over Tow (U.S. 5,315,098). That is, the Examiner has changed the basis for rejecting claims 20 and 21 from 35 U.S.C. § 102(b) over Cass (U.S. 5,946,414) to 35 U.S.C. § 102(b) over Tow (U.S. 5,315,098). Thus, the Examiner has introduced a new ground of rejection of claims 20 and 21 that was not necessitated by any amendment of these claims.

Accordingly, the finality of the Examiner's rejection should be withdrawn.

Charge any excess fees or apply any credits to Deposit Account No. 08-2025.

Respectfully submitted,

Date: January 14, 2005



Edouard Garcia
Reg. No. 38,461
Telephone No.: (650) 631-6591

Please direct all correspondence to:

Hewlett-Packard Company
Intellectual Property Administration
Legal Department, M/S 35
P.O. Box 272400
Fort Collins, CO 80528-9599



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AMENDMENT

In response to the Examiner's action dated October 19, 2004, please amend the application as follows:

Amendments to the claims are reflected in the listing of claims that begins on page 4 of this Amendment.

Remarks begin on page 5 of this Amendment.

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January 14, 2005

Date

(Signature of person mailing papers)

Edouard Garcia

(Typed or printed name of person mailing papers)

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